

CITY COUNCIL AGENDA

MAY 1, 2007

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED, MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESI, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
(no earlier than 3:30 p.m.)
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 5)**
 - * Reverend Ruben Romero, Associate Pastor, First Apostolic Church of San José.
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under
Orders of the Day unless the Council directs otherwise.**

- * **NOTE: ITEM 2.6 RENUMBERED TO ITEM 4.6**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1* Presentation of a commendation to City Hall Event Services team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
- 1.2 Presentation of a proclamation declaring May 2007 as Motorcycle Awareness Month. (Constant)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a commendation to Mr. Yang Xie, for his dedicated service as a mentor to the Lynbrook High School Robotics Team. (Constant)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a commendation to the Silicon Valley Conference for Community and Justice for the extraordinary work they do with youth to promote peace and prevent hate. (Mayor)
(Rules Committee referral 4/18/07)
- 1.5 Presentation of a commendation to the Office of the City Clerk recognizing the week of April 29-May 5, 2007 as Municipal Clerks Week. (Mayor)
(Rules Committee referral 4/18/07)
- 1.6 [Swearing in ceremony for Citywide Youth Commissioner Darlene Tu.](#) (City Clerk)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 4/25/07)
- 1.7 Presentation of a proclamation declaring May 1st through May 7th as Public Service Recognition Week. (City Manager's Office)
* (Rules Committee referral 4/25/07)
- 1.8 Presentation of a commendation for Delorme McKee-Stovall for her tireless efforts to remove hate and prejudice from our neighborhoods in San José and Santa Clara County. (Mayor)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 4/25/07)
- 1.9 Presentation of commendation recognizing the students and teachers for their accomplishments in science and engineering at the Synopsys Silicon Valley Science and Technology Championship. (Williams/Cortese)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 4/25/07)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

* **Recommendation:** Approval of minutes.

- (a) Current Minutes
 - (1) General Plan Major Strategies Study Session minutes of February 5, 2007
 - (2) Regular minutes of February 6, 2007
 - (3) Regular minutes of February 13, 2007
 - (4) Unfunded Initiatives Study Session minutes of February 22, 2007
 - (5) Regular minutes of February 27, 2007
 - (6) Closed Session minutes of February 20, 2007
- (b) Past Minutes
 - (1) Regular minutes of November 14, 2006
 - (2) Getting Families Back to Work Study Session minutes of November 16 & November 17, 2006
 - (3) Regular minutes of November 21, 2006
 - (4) 2008-2012 Preliminary General Fund Forecast Study Session minutes of November 28, 2006
 - (5) Coyote Valley Specific Plan Hydrology Considerations Study Session minutes of September 29, 2006

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28016 – Amending Chapter 9.44 of Title 9 of the San José Municipal Code by amending Section 9.44.045 entitled “Airport Smoking Regulations” authorizing the Director of Aviation to designate smoking and non-smoking areas at all outdoor areas at the Norman Y. Mineta San José International Airport.
- (b) ORD. NO. 28017 – Amending Part 3 of Chapter 25.08 of Title 25 of the San José Municipal Code by amending Sections 25.08.300, 25.08.310, 25.08.500, 25.08.1320, 25.08.1340 and 25.08.1510 to increase the authority of the Director of Aviation to execute leases, licenses, exclusive use permits and other commercial activity agreements with terms in excess of 3 years and a total value of up to \$250,000.
- (c) ORD. NO. 28021 – Rezoning certain real property situated at the north side of Montague Expressway, 550 feet westerly of North First Street to A(PD) Planned Development Zoning District. PDC05-099

2. CONSENT CALENDAR

2.3 Request for excused absences for Councilmember Campos.

Recommendation: Request for excused absences for Councilmember Campos.

- (a) [Request for an excused absence from the Regular Evening City Council Meeting of April 17, 2007 due to Illness.](#)

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DROP

- (b) [Request for an excused absence from the Santa Clara Valley Water District Board Joint Study Session on Friday, April 20, 2007 due to Prior Long Standing Commitment.](#)

(Campos)

(Rules Committee referral 4/18/07)

2.4 [Approval of amendment to agreement for consultant services relating to cable television matters.](#)

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a Third Amendment to Continuation Agreement with Miller & Van Eaton, L.L.P. for consultant services related to cable television franchise renewal matters, extending the term through June 1, 2008, and decreasing compensation by \$65,000, to a total amount not to exceed \$510,000. CEQA: Not a Project. (City Attorney)

2.5 [Approval of fiscal actions related to the San José Sports Authority.](#)

Recommendation:

- (a) Approval of an Addendum augmenting the funding to the Sports Authority and the services to be performed by the Authority.
- (b) Adoption of the following Appropriation Ordinance Amendments in the General Fund:
- (1) Decrease the appropriation for the Sports Opportunity Fund by \$100,000.
- (2) Increase the appropriation for the San José Sports Authority by \$100,000.

CEQA: Not a Project. (City Manager's Office/Economic Development)

2.6 [Approval of various actions related to training for manufacturing jobs for Nanosolar.](#)

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to accept \$385,000 on behalf of the Office of Economic Development, Work2future Division, from the State Employment Training Panel (ETP) to assist Nanosolar, Inc. with workforce training at their new San José manufacturing facility.
- (b) Approval of a contract with the State ETP regarding the use of the ETP funds; and
- (c) Approval of a sub-agreement with Nanosolar to provide training for their workers with the ETP funds.

(Item continued on the next page)

2. CONSENT CALENDAR

2.6 Approval of various actions related to training for manufacturing jobs for Nanosolar. (Cont'd.)

Recommendation:

- (d) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund:
 - (1) Establish an appropriation to the Office of Economic Development for the State and Employment Training Panel Grant in the amount of \$385,000.
 - (2) Increase the estimate for Earned Revenue by \$385,000.

CEQA: Not a Project. (City Manager's Office/Economic Development)

* **RENUMBERED TO 4.2 PER ADMINISTRATION**

2.7 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
 - (1) Increase the estimate for Earned Revenue by \$60,000.
 - (2) Establish an appropriation to the Department of Public Works for the Eden Avenue Streetscape Improvement Project (PSM #487) in the amount of \$60,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Eden Avenue Streetscape Improvement project as more specifically described in the memorandum from the Redevelopment Agency, dated March 7, 2007.

CEQA: Not a Project. (City Manager's Office/Public Works)

2.8 Request for an excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Regular Meeting of the Closed Session on April 17, 2007 due to Authorized City Business: Participating in a morning conference on Innovation America in Cupertino, CA. (Cortese)
(Rules Committee referral 4/18/07)

2.9 Approval of appointments to the Downtown Parking Board.

Recommendation: Approval of the appointments of Elizabeth Monley, Diana Beechie and Troy Tibblis to the Downtown Parking Board. (Mayor)
(Rules Committee referral 4/18/07)

2. CONSENT CALENDAR

2.10 Approval of fiscal actions related to the Airport Parkway Under-Crossing Trail Project.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the Santa Clara Valley Water District for the construction of the Airport Parkway Under-Crossing Trail Project to increase funding for the project in an amount not to exceed \$601,000 for a total contract amount not to exceed \$2,375,500.
 - (b) Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 4 (Fund 381):
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the TRAIL: Airport Parkway Under-Crossing project in the amount of \$179,000; and
 - (2) Decrease the Ending Fund Balance by \$179,000.
 - (c) Adoption of the following Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund (Fund 527):
 - (1) Increase the appropriation to the Airport Department for the TRAIL: Airport Parkway Trail Under-Crossing project by \$179,000; and
 - (2) Decrease the Ending Fund Balance by \$179,000.
- CEQA: Mitigated Negative Declaration, File No. PP04-323. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager's Office)

2.11 Approval to accept an Anti-Drug Abuse Grant Award.

Recommendation:

- (a) Adoption of a Resolution authorizing the City Manager to accept an Anti-Drug Abuse Grant (ADA) award from the State of California in the amount of \$55,500 and to negotiate and execute any necessary documents for the grant;
 - (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 - (1) Establish a City-Wide appropriation to the Police Department for the Anti-Drug Abuse Grant in the amount of \$55,500; and
 - (2) Increase the estimate for Revenue from the State of California by \$55,500.
- CEQA: Not a Project. (Police/City Manager's Office)

2. CONSENT CALENDAR

2.12 Approval of fiscal actions related to the “Click It or Ticket” Seatbelt Enforcement Program.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (a) Establish an appropriation in the City-wide Expenses to the Police Department for the State of California Office of Traffic Safety “Click It or Ticket” Seatbelt Enforcement Program for Local Law Enforcement Agencies in the amount of \$89,711; and
 - (b) Increase the estimate for Revenue from the State of California by \$89,711.
- CEQA: Not a Project. (Police/City Manager’s Office)

2.13 Approval to amend the Police and Fire Department Retirement Plan for employees of the Police Department.

Recommendation: Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) to permit members of the Police and Fire Department Retirement Plan who are employed in the Police Department to:

- (a) Redeposit previously withdrawn contributions at any time prior to retirement;
- (b) Purchase service credit for previous Federated Service at any time prior to retirement; and
- (c) Purchase service credit in the Plan for time on unpaid leave of absence.

CEQA: Not a Project. (Police and Fire Retirement Board)

2.14 Approval of report on bids and action for the Columbus Park Horseshoe Complex Project.

Supplemental

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Recommendation:

- (a) Report on bids and award of contract for the Columbus Park Horseshoe Complex project to the low bidder, Robert A. Bothman, Inc., in the amount of \$358,271 and approval of a contingency in the amount of \$17,913.
- (b) Adoption of the following Appropriation Ordinance Amendments in the Construction and Conveyance Tax Fund: City-wide Parks Purposes (Fund 391):
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Columbus Park Horseshoe Complex project by \$107,000; and
 - (2) Decrease the Ending Fund Balance by \$107,000.

CEQA: Exempt, File No. PP05-227. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/City Manager’s Office)

2. CONSENT CALENDAR

2.15 [Approval of Councilmember Liccardo's Travel to Los Angeles, CA.](#)

Recommendation: Approval of Councilmember Liccardo's travel to Los Angeles, CA on April 23, 2007 to attend a Luncheon Event and Speech. Source of Funds: California Leadership Political Action Committee. (Liccardo)

* (Rules Committee referral 4/25/07)

2.16 [Approval of appointment to the San José Arena Authority Board of Directors.](#)

Recommendation: Approval of the appointment of Rani Yadav-Ranjan to the San José Arena Authority Board of Directors. (Mayor)

* (Rules Committee referral 4/25/07)

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the Rules and Open Government Committee – [April 11, 2007](#)** **Mayor Reed, Chair**

- (a) City Council
 - (1) Review New Add Items to April 17, 2007 Agenda
 - (2) Review April 24, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Adopt Support Position for HR 359 (Solis), the César Estrada Chavez Study Act. (Cortese)
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Re-appointments to the following Commissions: Airport Commission, Arts Commission, Early Care and Education commission, Library Commission, Senior Citizens Commission and Traffic Appeals Commission. (Reed/Williams/Chirco/Nguyen/Constant)
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Review the Independent Police Auditor's IPA/Human Rights Commission (HRC) Report and Recommendations from Community Forums Regarding the Police in San José. (IPA/HRC)
Deferred to April 25, 2007
 - (2) Approve Travel Requests. (Campos/Cortese/Chirco)
- (h) Review of Council Committee Agendas
(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – April 11, 2007 (Cont'd.) Mayor Reed, Chair

- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Update 2/24/07 Meeting on Law Enforcement Records. (City Manager/Chief of Police)
 - (3) Significant Public Records Act Requests
 - (a) Response to Public Records Act – Potential Soccer Stadium
- (j) Open Forum
- (k) Adjournment

Continued from April 4, 2007

3.2 Report of the Public Safety, Finance and Strategic Support Committee – [April 19, 2007](#) Councilmember Nguyen, Chair

- (a) Consent Calendar
 - (1) Update of Council Directives. (City Manager's Office)
Deferred
- (b) Review of Performance Measures Specified in the Annual Budget. (City Manager's Office)
Deferred
- (c) Discussion of Recommendations Regarding Reuse of Old City Hall. (City Manager's Office)
Deferred
- (d) Review of Mayor Reed's Public Safety Transition Committee Recommendations. (City Manager's Office)
- (e) City's Bi-Monthly Financial Report for January/February 2007. (Budget)
- (f) Redevelopment Agency Monthly Financial Reports. (RDA)
 - (1) Financial Statements – February 2007
 - (2) Capital Cost Report – February 2007
 - (3) Cash Flow Projections – February 2007
- (g) An Audit of the San José Municipal Water System Consolidated Water Utility Fund Transfers. (Auditor)
- (h) Audit of the Traffic Calming Program. (Auditor)
Deferred
- (i) An Audit of the Bridge Repair Program. (Auditor)
Deferred
- (j) Review of City Financial Investment Program and Investment Policy by External Auditor. (Finance)
Deferred
- (k) Oral Petitions
- (l) Adjournment

3. STRATEGIC SUPPORT SERVICES

3.3 Approval of method and process for Council to validate policies contained in the City Council Policy Manual and validation of selected policies.

Recommendation:

- (a) Approve the methodology and process to validate policies in the City Council Policy Manual.
- (b) Validation of the first 18 out of 31 policies as contained in the Council Policy Manual and adoption of a resolution validating the following policies:
 - (1) Policy 0-10: General Task Forces and Committees;
 - (2) Policy 0-11: Council Resolution Policy;
 - (3) Policy 0-28: Censure Policy;
 - (4) Policy 0-31: Council Staff Interaction;
 - (5) Policy 1-11: City Participation in Regional Transportation;
 - (6) Policy 1-15: Debt Management Policy;
 - (7) Policy 1-16: Policy for Issuance of Multifamily Housing Revenue Bonds;
 - (8) Policy 2-1: Exhibition of Federal, State, City flags from City Buildings – All Occasions;
 - (9) Policy 4-2: Streetlight Conversion;
 - (10) Policy 5-3: Transportation Impact Policy;
 - (11) Policy 5-6: Traffic Calming Policy for Residential Neighborhoods;
 - (12) Policy 6-5: Street Naming and Street Name Change;
 - (13) Policy 6-14: Guidelines for Child Day Care;
 - (14) Policy 6-25: Guidelines for Designation of City Historic Landmarks;
 - (15) Policy 6-30: Public Outreach Policy;
 - (16) Policy 7-2: City Hall Facility Use;
 - (17) Policy 9-3: Community Identification Signs;
 - (18) Policy 9-11: Distribution of Arena Tickets.

(City Manager)

[Rules Committee referral 4/18/07 – Item (I)(4)]

3.4 Approval of actions related to the Rule 20A and Rule 20B In-Lieu Fee Underground Utility Program.

Supplemental

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Recommendation:

- (a) Approval of the proposed fiscal year 2006/07 - 2011/12 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
- (b) Direction to staff to take collective action with other cities for advocacy for increased accountability and resource allocation for the delivery of Rule 20A projects.

CEQA: Not a Project. (Public Works)

3. STRATEGIC SUPPORT SERVICES

3.5 Report of the Rules and Open Government Committee – [April 4, 2007](#)

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to April 10, 2007 Agenda
 - (2) Review April 17, 2007 Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (2) Federal
 - (d) Meeting Schedules
 - (1) Adopt Revised 2007-2008 City Budget Calendar and Budget Study Session Schedule. (City Manager's Office)
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Review of the Mexican Heritage Corporation's Ability to Operate and Maintain Mexican Heritage Plaza. (Auditor's Office)
 - (2) Approve Travel Requests. (Constant/Liccardo)
 - (h) Review of Council Committee Agendas
 - (i) Open Government Initiatives
 - (1) Reed Reforms
 - (a) Acceptance of the proposed curriculum for a Council Assistant Certification Program per Reed Reform #25. (City Manager's Office/City Clerk/City Attorney)
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Records Act Requests
 - (a) Response to Public Records Act-Potential Soccer Stadium.
 - (4) Council Policy Manual Update
 - (j) Open Forum
 - (k) Adjournment
- * (Deferred from 4/24/07 – Item 2.1)

3.6 Report of the Rules and Open Government Committee – [March 28, 2007](#)

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to April 3, 2007 Agenda
 - (2) Review April 10, 2007 Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (a) Acceptance of the March 2007 State Legislative Bill Matrix. (Manager's Office)
- Continued from March 21, 2007**
- (2) Federal
 - (d) Meeting Schedules
- (Item continued on the next page)*

3. STRATEGIC SUPPORT SERVICES

3.6 Report of the Rules and Open Government Committee – March 28, 2007 (Cont'd.)

Mayor Reed, Chair

- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Review of Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (a) Acceptance of staff's proposed presentation on ethics to the Council in response to Reed Reform #26. (City Manager/City Attorney)
 - (2) Sunshine Reform Task Force
 - (a) Update on current proposals and outstanding issues for Phase 1 recommendations including requirements for: 1) public meetings, 2) closed session, and 3) public information. (Sunshine Reform Task Force)
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

* (Deferred from 4/17/07 – Item 3.1 and 4/24/07 – Item 3.5)

3.7 Approval of actions related to Proposition 1C – Legislative Guiding Principles.

Supplemental

Recommendation:

- (a) Approve a general set of “guiding principles” for the creation of programs related to Proposition 1C. Implementing legislation should allow the City of San José the opportunity to successfully compete for these future funds, which will help address the city's need for more housing, parks, and transit-oriented development; and
- (b) The City Administration work closely with the California State Legislature on the development of enabling legislation for the four programs not yet defined under Proposition 1C once the guiding principles are approved.

(Housing)

[Rules Committee referral 4/18/07 – Item(C)(1)(b)]

* (Deferred from 4/24/07 – Item 3.7)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee

Councilmember Pyle, Chair

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approval of various actions related to training for manufacturing jobs for Nanosolar.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to accept \$385,000 on behalf of the Office of Economic Development, Work2future Division, from the State Employment Training Panel (ETP) to assist Nanosolar, Inc. with workforce training at their new San José manufacturing facility.
- (b) Approval of a contract with the State ETP regarding the use of the ETP funds; and
- (c) Approval of a sub-agreement with Nanosolar to provide training for their workers with the ETP funds.
- (d) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund:
 - (1) Establish an appropriation to the Office of Economic Development for the State and Employment Training Panel Grant in the amount of \$385,000.
 - (2) Increase the estimate for Earned Revenue by \$385,000.

CEQA: Not a Project. (City Manager's Office/Economic Development)

* **RENUMBERED FROM 2.6 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair

5.2 [Approval to amend the Animal Regulations of the San José Municipal Code.](#)

[Supplemental](#)

[Memo from Councilmember Constant](#)

* **Recommendation:**

- (a) Approval of an ordinance amending Title 7, the "Animal Ordinance" of the San José Municipal Code, in its entirety, to update existing animal related regulations to reflect current animal care and control practices regarding the proper and adequate care of animals; to revise livestock and small animal regulations, sale of animals, rabies vaccinations, and animal trapping; to define new terms; and to make other technical and conforming changes.
- (b) Approval of an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of animal infractions to include the new code sections.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Service)
(Deferred from 4/10/07 – Item 5.2)

TO BE HEARD FIRST IN THE EVENING

5. NEIGHBORHOOD SERVICES

5.3 Approval of actions related to the San José Municipal Rose Garden.

* **Recommendation:**

- (a) Establish and adopt a “pilot program” which will allow for a private entity to provide park maintenance for the San Jose Municipal Rose Garden Park for one calendar year. The maintenance would include; pruning the trees, cleaning and servicing the bathrooms, mowing the lawn, dumping the garbage, removing the weeds, clipping the rose bushes, removing crab grass from rose beds, opening and closing the park and planting roses among other maintenance needs the park requires.
- (b) Direct city staff to follow the same bidding process as it does for other city wide projects in order to find a private landscaper/maintenance contractor to provide park maintenance for San Jose Municipal Rose Garden Park for one calendar year.
- (c) The “pilot program” will be measured at the end of the year in two areas; service delivered and money saved.

(Oliverio)

(Rules Committee referral 4/18/07)

TO BE HEARD IN THE EVENING

RECOMMEND DEFERRAL TO 5/15/07 PER THE RULES COMMITTEE

6. TRANSPORTATION & AVIATION SERVICES

6.1 **Report of the Transportation and Environment Committee Councilmember Williams, Chair**

6.2 Approval of Master Consultant Agreements for Terminal Area Improvements at the Airport.

Recommendation: Approval of Master Consultant agreements with:

- (a) Leland Saylor Associates, Inc. for on-call Cost Consultant services for the Terminal Area Improvement Program at the Norman Y. Mineta San José International Airport from the date of execution of the agreement through December 31, 2010 in an amount not to exceed \$500,000.
- (b) Jefferson Wells International, Inc. for on-call Audit Consultant services for the Terminal Area Improvement Program (TAIP) at the Norman Y. Mineta San José International Airport from the date of execution of the agreement through December 31, 2010 in an amount not to exceed \$500,000.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP07-014. (Public Works/Airport)

6. TRANSPORTATION & AVIATION SERVICES

6.3 [Approval to award the contract for the Remove and Replace Asphalt Concrete Pavement 2007 Project.](#)

Recommendation: Report on bids and award of contract for the Remove and Replace Asphalt Concrete Pavement 2007 Project to the low bidder G. Bortolotto & Co, Inc., in the amount of \$1,344,390, and approval of a 10% contingency in the amount of \$134,000. CEQA: Exempt, File No. PP04-039. (Transportation)

* (Deferred from 4/24/07 – Item 6.3)

6.4 [Approval to award the contract for the Street Resurfacing 2007 Backlog Reduction Project – Phase 1.](#)

Recommendation: Report on bids and award of contract for the Street Resurfacing 2007 Backlog Reduction Project – Phase 1 to the low bidder O’Grady Paving, Inc., in the amount of \$4,531,860, and approval of a 10% contingency in the amount of \$453,000. CEQA: Exempt, PP06-066. Council Districts 1, 2, 3, 4, 5, 6, and 7. (Transportation)

* (Deferred from 4/24/07 – Item 6.4)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [Approval to amend the Strong Neighborhood Initiative Winchester Neighborhood Improvement Plan.](#)

[Memo from Councilmember Constant and Oliverio](#)

Recommendation:

- (a) Acceptance of the Strong Neighborhoods Initiative (SNI) *Winchester Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the Winchester SNI Planning Area, and
- (b) Encourage the Winchester area residents, property owners, and community members to continue to dedicate their time, energy, and resources towards the *Plan* and this Amendment while continuing with their community-building activities.

TO BE HEARD IN THE EVENING NO EARLIER THAN 8 P.M.

* (Deferred from 4/17/07 – Item 9.1)

- Notice of City Engineer's Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9685	Northwest corner of Lick Avenue and West Alma Avenue	3	Barry Swenson Builder	1 Lot / 242 Units	MFA	Approve
9890	South side of Fleming Avenue, 1000 feet south-east of Alum Rock Avenue	5	Braddock & Logan	16 Lots / 14 Units	SFD	Approve

- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property located at/on the southeast corner of North Capitol Avenue and Grandview Drive \(652 N Capitol Avenue\) from Unincorporated County to R-1-8 Residential Zoning District to allow for 2 single-family detached residential units on a 0.57 gross acre site \(Lin Li, Owner\). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C04-106 – District 4](#)
- (b) [Consideration of ordinance rezoning the real property located at/on the northeast corner of Willow Glen Way and Cross Way from R-M Residential Zoning District to A\(PD\) Planned Development Zoning District to allow 9 single-family attached residences on a 0.34 gross acre site \(425 Willow Glen Way\)\(William Henderson, Owner\). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval. \(6-0-1\). PDC06-084 – District 6](#)
- (c) Consideration of an ordinance rezoning the real property located at/on the east side of Senter Road, approximately 550 feet northerly of Quinn Avenue (2222 Senter Road) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow construction of approximately 54,200 square feet in three, one- and two-story buildings for office and retail commercial uses as well as various industrial uses on a 3.62 gross acre site (ELS Properties Corp, Owner; Green Valley Corporation/Barry Swensen Builder, Aaron Barger, Developer). SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. [PDC06-119 – District 7](#)

RECOMMEND CONTINUANCE TO 5/15/07 PER ADMINISTRATION

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning actions related to the real property located at the northeasterly corner of Cottle and Poughkeepsie Roads.

* **Recommendation:**

- (a) Adoption of a resolution rescinding City Council certification of the Final EIR for the Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning File No. PDC02-086, which certification occurred on December 2, 2003; and
- (b) Consideration of approval of an ordinance rescinding Ordinance No. 27032 adopted by the City Council on December 16, 2003 rezoning the real property located at the southeasterly corner of Blossom Hill and Cottle Roads (5600 Cottle Road) from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District to allow approximately 222,673 square feet of commercial uses on an 18.75 gross acre site, the demolition of the existing IBM/Hitachi Research Building 25, and the removal of approximately 136 ordinance size trees from the site; and
- (c) Adoption of a resolution rescinding City Council Resolution No. 71860 adopted on December 2, 2003 making certain findings in connection with the Final EIR for the Lowe's Home Improvement Warehouse, Cottle Road, South San Jose Planned Development Rezoning File No. PDC02-086 as required by the California Environmental Quality Act of 1970, as amended, adopting a certain mitigation monitoring and reporting program, and setting for a statement of overriding considerations for identified significant environmental impacts; and
- (d) Consideration of adoption of an ordinance rezoning the real property located at the northeasterly corner of Cottle and Poughkeepsie Roads from IP(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow the demolition of the existing industrial park buildings (Buildings 025, and 024 and 030) and associated site improvements, the removal of up to 385 trees from the site, and the construction of a new, approximately 204,000 square foot commercial facility (including a retail/commercial use, with a single occupant greater than 100,000 square feet(with a garden center), and other retail/commercial uses)(IBM, Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends denial. (6-0-1).

PDC06-003 – District 2

(Continued from 4/17/07 – Item 11.3)

11. PUBLIC HEARINGS

11.3 Rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street.

Memo from Planning Commission

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street; east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 Morse St) from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow relocation and rehabilitation of one historic single-family residence (Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site (Metropolitan YMCA & LeBaron Family Trust, Owners; Mark DeMattei, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-2).
PDC06-100 - District 6
(Continued from 4/24/07 – Item 11.2)

11.4 Rezoning the real property located on the east side of Almaden Expressway.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Almaden Expressway, approximately 200 feet north of Fleetwood Drive (16310 Almaden Road) from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow sing single-family detached residences on a 1.07 gross acre site (Rds Investments Chris Soukoulis, Owner/Developer). CEQA: Mitigated Negative Declaration.
PDC06-070 - District 10
RECOMMEND CONTINUANCE TO 5/15/07 PER ADMINISTRATION

- Open Forum
- Adjournment